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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,271

01/22/2007

Axel Feger

ARY0003

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7590

12/24/2008

BAKER & DANIELS LLP  
111 E. WAYNE STREET  
SUITE 800  
FORT WAYNE, IN 46802

EXAMINER

KEE, FANNIE C

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,271	<b>Applicant(s)</b> FEGER ET AL.	
	<b>Examiner</b> Fannie Kee	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Applicant's Information Disclosure Statement ("IDS") filed on 7/19/06 contained a duplicate reference listed under U.S. Patents. This reference was lined through as it had previously already been considered in the IDS filed on 6/7/06.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the date for PCT/EP2004/013353 was incorrectly listed as "November 25, 2006" on the first page of the oath. This date should actually read --November 25, 2004--.

### ***Drawings***

3. The drawings are objected to because in Figure 2, the cross-hatching pattern for drawing element "20" is incorrect as it should show an elastic cross-hatching pattern. See MPEP 608.02.

4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

Art Unit: 3679

should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 7 is objected to because of the following informalities: delete the word “a” before the words “said end” and “said corrugated” in line 3.

Correction is required.

6. Claim 10 is objected to because of the following informalities: delete the word “a” before the words “said corrugated” in line 2.

Correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites "A connector for connecting to the end of a corrugated conduit, said corrugated conduit including a plurality of elevated corrugations, said connector comprising:...". This claim appears to be a combination-subcombination claim where the combination is the connector and an end of a corrugated conduit and the subcombination is the connector itself. However, claim 7 does not further define the combination and only defines the subcombination. It appears that Applicant is attempting to claim the combination without positive recitation of the combination. Therefore, Applicant is not actually claiming the combination. Examiner's understanding is that the Applicant is claiming the subcombination, that is, Applicant is only claiming the features of the connector.

Claim 7 recites the limitation "the end of a corrugated conduit" in 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

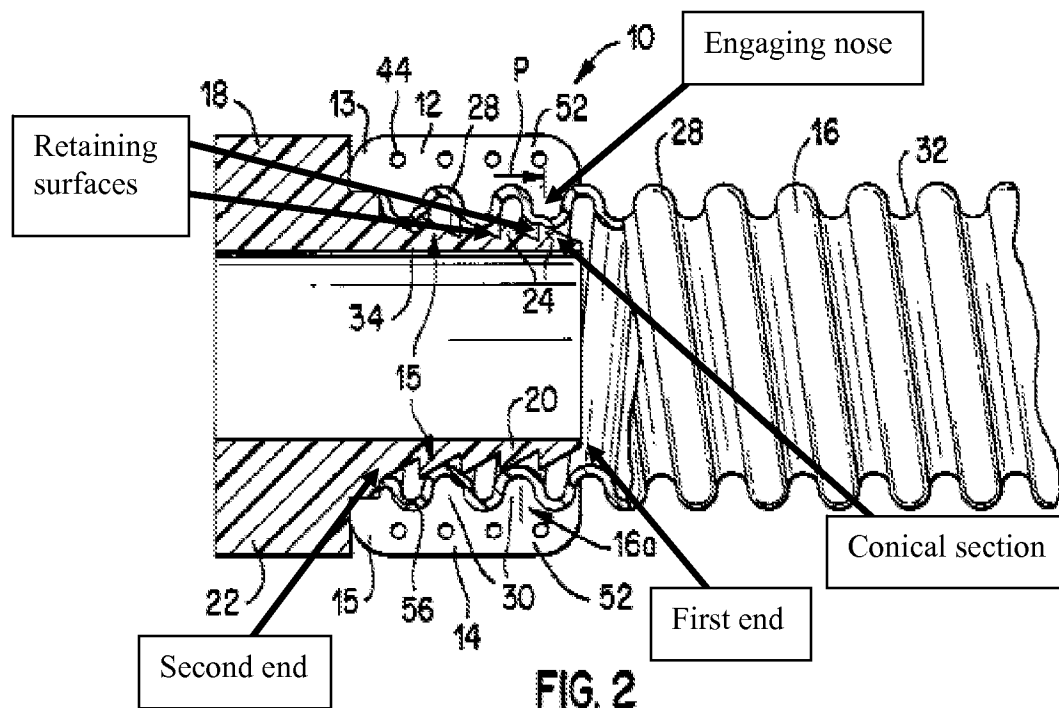
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 7-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Merrett U.S. Patent No. 5,984,375.

With regard to claim 7, and as seen in Figure 2 below, Merrett discloses a connector for connecting to the end of a corrugated conduit, said corrugated conduit including a plurality of elevated corrugations, said connector comprising:

an elongated connector portion (15) adapted for insertion into a said end of a said corrugated conduit, said connector having a longitudinal axis, said connector portion having first and second ends, said connector portion having a conical section located proximate said first end, said conical section including a ramp surface (24) which slopes radially outwardly in the direction of said second end;

a clamp (12, 14) spaced radially from said first end, said clamp including an engaging nose which is adapted to move into a clamping position wherein said nose fits between two of said elevated corrugations to thereby prevent said conduit from being separated from said conduit.



With regard to claim 8, and as seen in Figure 2 above, Merrett discloses said connector portion further including a radially outwardly extending retaining surface adjacent said ramp surface, said retaining surface facing said second end and being directed at a greater angle relative to said longitudinal axis of said connector portion than said ramp surface.

With regard to claim 9, and as seen in Figure 2 above, Merrett discloses two ramp surfaces (24, 24) and two retaining surfaces.

With regard to claim 11, and as seen in Figure 2 above, Merrett discloses said clamp comprising two clamping brackets (12, 14) disposed parallel to said longitudinal axis on

Art Unit: 3679

respective opposite sides of said connector portion, one of said brackets including said engaging nose.

11. Claims 7, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Frank U.S. Patent No. 6,267,415.

With regard to claim 7, and as shown in Figure 2, Frank discloses a connector for connecting to the end of a corrugated conduit, said corrugated conduit including a plurality of elevated corrugations, said connector comprising:

an elongated connector portion (12) adapted for insertion into a said end of a said corrugated conduit, said connector having a longitudinal axis, said connector portion having first and second ends, said connector portion having a conical section located proximate said first end, said conical section including a ramp surface which slopes radially outwardly in the direction of said second end;

a clamp (15) spaced radially from said first end, said clamp including an engaging nose (18) which is adapted to move into a clamping position wherein said nose fits between two of said elevated corrugations to thereby prevent said conduit from being separated from said conduit.

With regard to claim 10, and as shown in Figure 2, Frank discloses an annular elastic sealing body (19) surrounding said connector portion for sealing a said corrugated conduit to said connector.



Art Unit: 3679

With regard to claim 12, and as shown in Figure 2, Frank discloses a sliding bushing (20) surrounding said connector portion, said sliding bushing movable from a release position to a locking position wherein said engaging nose is prevented from moving out of said clamping position.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Merrett in view of Matsui et al Patent No. DE 38 14 001 C2.

With regard to claim 13, Merrett discloses the claimed invention but does not disclose that said clamp comprises a C-shaped snap ring, said C-shaped snap ring including said engaging nose on an inner face thereof, a depression located in an outer surface of said connector, said snap ring adapted to be disposed into said depression. Matsui et al teach that the clamp can be a C-shaped snap ring with an engaging nose that is adapted to be disposed in a depression in an outer surface of a connector (see Figures 1 and 2) such that a corrugated conduit can be easily

Art Unit: 3679

inserted and secured and easily removed as the C-shaped snap ring can be easily snapped into place and also easily removed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the clamp to comprise a C-shaped snap with an engaging nose that is adapted to be fit within a depression in an outer surface of a connector such that a corrugated conduit can be easily inserted and secured and easily removed as the C-shaped snap ring can be easily snapped into place and also easily removed as taught by Matsui et al.

### ***Conclusion***

14. Gansel et al, Godeau et al, Mau are being cited to show other examples of connectors for connecting with a corrugated conduit.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/  
Primary Examiner, Art Unit 3679

/F. K./  
Examiner, Art Unit 3679  
December 18, 2008